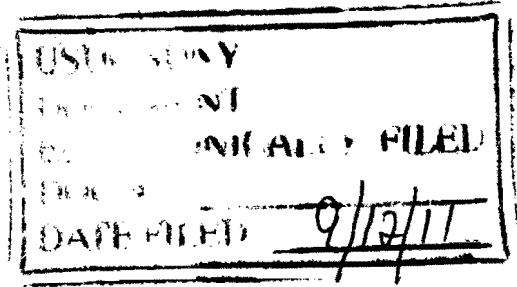


GISKAN SOLOTAROFF ANDERSON & STEWART LLP

By Hand Delivery

The Honorable Theodore H. Katz
 Daniel Patrick Moynihan United States Courthouse
 Court Room 17D
 500 Pearl St.
 New York, NY 10007-1312

September 8, 2011



Re: Patel, et al. v. Baluchi's Indian Restaurant, et al.
Civil Action No. 08-CIV-9985 (RJS)(THK)

Dear Judge Katz:

I represent the plaintiffs in the above-referenced wage and hour litigation. On behalf of both parties, I write to request a date with the Court in October 2011 for continued mediation.

In May 2011, the Court denied final approval of the settlement. On June 24, 2011, a conference was held before Judge Sullivan during which counsel for both parties represented their desire to continue with the mediation process before Your Honor in order to attempt to resolve this matter, which Judge Sullivan endorsed. Since that time, the Rule 23 class claims have been dismissed, and the action is proceeding as a collective action on behalf of the 27 individual plaintiffs. The 18 workers who filed timely claims to participate in the proposed Rule 23 class settlement have until September 26, 2011, to join in the collective action. Recently, counsel for defendants moved to withdraw as counsel, but their motion was denied without prejudice and may be renewed following the conclusion of the mediation process. Judge Sullivan has directed the parties to proceed with scheduling a settlement conference before Your Honor to continue the mediation process under these recent developments and circumstances

Counsel for both the plaintiffs and defendants are available for mediation on the following dates: October 7, 11, 12, 17, 19 and 21, 2011.

Respectfully submitted,

Catherine E. Anderson

Catherine E. Anderson

SO ORDERED

cc: Basil C. Sitaras, Esq., by email
 Counsel for Defendants

Theodore H. Katz
 THEODORE H. KATZ
 UNITED STATES MAGISTRATE JUDGE

*A settlement conference will
 take place on October 19, 2011
 at 2:00 P.M. The parties must
 be in attendance.*